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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,716	09/26/2001	Joshua A. Norrid	AUS920010667US1	9290
45993	7590	11/06/2006	EXAMINER	
IBM CORPORATION (RHF) C/O ROBERT H. FRANTZ P. O. BOX 23324 OKLAHOMA CITY, OK 73123			KARMIS, STEFANOS	
			ART UNIT	PAPER NUMBER
			3691	

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/963,716	Applicant(s) NORRID, JOSHUA A.	
	Examiner Stefano Karmis 	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/26/2001</u> . | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) <input type="checkbox"/> Notice of Informal Patent Application
6) <input type="checkbox"/> Other: _____. |
|---|---|

DETAILED ACTION

1. The following application, filed 26 September 2001 has been reviewed. Original claims 1-15 are pending.

Claim Rejections - 35 USC § 101

2. Claims 1-5 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With respect to claims 1-5, the Examiner finds these claims to lack a tangible result. In order to be a tangible result, the process must produce a real-world result. The final step of independent claim 1 states, "determining a revenue value to be afforded to said booking party." This step does not actually output the determination to a user or record it in a database, and therefore there is no tangible result. Nor does claim 1 produce a real-world result in the reservation, because the established reservation is neither outputted to a user nor stored in a database.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6-9 and 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Burko U.S. Publication 2002/0156672 A1.

Regarding independent claims 1, 6 and 11, Burko discloses a method for establishing a reservation for a service or product, said service or product being provided by a provider having a management system, said management system providing a repository for customer profiles, available inventory and reservations, said method comprising the steps of:

directing a booking party to a set of web objects according to the type of booking party (page 4, paragraph 0047 and 0050 and page 5, paragraph 0054);

collecting a reservation data set from said booking party including itinerary and preferences for a customer (page 5, paragraph 0056);

establishing a reservation in said management system according to said reservation data set if a matching service or product is available, said reservation being associated with a customer profile (page 5, paragraph 0057-0058); and

determining a revenue value to be afforded to said booking party (page 5, paragraph 0058).

Claims 2, 7 and 12, wherein said step of directing a booking party to a set of web objects comprises a step selected from the group of providing a plurality of Universal Resource Locators, web addresses, and subdomains, each being tailored to the needs of a booking party type (page 4, paragraph 0047).

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Claims 3, 8 and 13, further comprising a step of allowing said booking party to create a new customer profile (page 4, paragraph 0048).

Claims 4, 9 and 14, further comprising the step of allowing said booking party to modify an existing customer profile (page 4, paragraph 0050-0051).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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8. Claims 5, 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burko U.S. Publication 2002/0156672 A1 in view of Schiff et al. (hereinafter Schiff) U.S. Publication 2002/0082877 A1.

Regarding claims 5, 10 and 15, Burko teaches a system and method for providing scheduling of services by a professional such as doctors appointments (page 2, paragraph 0025 and page 5, paragraph 0054). Burko fails to teach associating the reservation with a customer profile comprises a step selected from the group of establishing a hotel reservation, reserving a travel ticket, booking a rental car, reserving a golf tee time, reserving an entertainment ticket, and reserving products due for future availability. Schiff teaches a method for matching customer preferences with available options in which a customer books a travel ticket on a cruise ship (Abstract). Schiff teaches that the customer may use a computer and based on customer information books a ticket on a cruise line for the customer (page 5, paragraph 0055 and page 6, paragraph 0067). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the scheduling teachings of Burko to include the booking of travel tickets as taught by Schiff because the travel tickets are a service that requires scheduling. The scheduling of both the doctors appointment and travel ticket requires checking customer data such as a preference time/date for the ticket or appointment as well as availability offered by the provider (e.g. cruise ship or doctor).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted

Stefano Karmis

27 October 2006



HANI M. KAZIMI
PRIMARY EXAMINER